

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,

Defendant.

2:16-cr-00100-GMN-CWH

DATE: November 14, 2016

MINUTES OF PROCEEDINGS

BENCH TRIAL (DAY 1)

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Araceli Bareng

COUNSEL FOR PLAINTIFF: Elham Roohani and Lisa Cartier-Giroux with Special Agent Mari Panovich

COUNSEL FOR DEFENDANT: Jess Marchese, Benjamin Durham, and Michael Sanft

MINUTES OF PROCEEDINGS: Bench Trial (Day 1)

8:38 a.m. The Court convenes. The Court makes preliminary statements and hears representations from counsel. Ms. Cartier-Giroux makes arguments regarding the renewed motion for reciprocal discovery and inquires as to any outstanding discovery. Mr. Marchese represents the government should have all discovery. The Court and parties discuss issues regarding recorded jail phone calls. The Court informs the parties that they can address the issues when they arise during trial.

8:52 a.m. Opening statements are made on behalf of the United States of America by Ms. Roohani. Defendants reserves his opening statement. The Court inquires whether the parties are invoking the exclusionary rule. The Government confirms it will invoke the exclusionary rule and the Defendant concurs.

9:00 a.m. **SERGEANT DENNIS CARRY**, called on behalf of the Government, is sworn and testifies on direct examination by Ms. Roohani. **SERGEANT DENNIS CARRY** is designated as an expert in the fields of general computer forensics, file sharing, and peer-to-peer networks. **SERGEANT DENNIS CARRY** is further designated as an expert in drug terminology regarding child exploitation cases. Mr. Sanft conducts cross examination. Ms. Roohani conducts redirect examination. Mr. Sanft conducts recross examination. Ms. Roohani conducts further redirect examination. Mr. Sanft conducts further recross examination. **EXHIBIT 44 and 21B are marked but not admitted.** The witness is excused.

10:10 a.m. The Court recesses for a morning break.

10:25 a.m. The Court reconvenes. The Court and parties discuss scheduling for the day.

10:28 a.m. **DETECTIVE JOSEPH AHMED**, called on behalf of the Government, is sworn and testifies on direct examination by Ms. Cartier-Giroux. Mr. Durham conducts cross examination. Ms. Cartier-Giroux conducts redirect examination. **EXHIBITS 1, 2A, 2B, and 2C are ADMITTED into evidence.** The witness is excused.

11:35 a.m. **SPECIAL AGENT SUE FLAHERTY**, called on behalf of the Government, is sworn and testifies on direct examination by Ms. Roohani. **EXHIBITS 3A, 3B, 3C, and 3D are ADMITTED into evidence.**

11:55 p.m. The Court recesses for a lunch break.

1:51 p.m. The Court reconvenes. Ms. Cartier-Giroux states the government does not have Exhibits 31 and 36. The defense will provide these exhibits before the start of trial on Tuesday, November 15, 2016.

1:55 p.m. **SPECIAL AGENT SUE FLAHERTY**, called on behalf of the Government and previously sworn, continues testifying on direct examination by Ms. Roohani. Mr. Marchese conducts cross examination. Ms. Roohani conducts redirect examination. **EXHIBITS 4A, 4B, 5A, 5B, 5C, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 9A, 9B, 9C, 5012, 5013, 5032, 5033, 5037, and 5038 are ADMITTED into evidence.** The witness is excused.

2:46 p.m. The Court recesses for an afternoon break.

2:56 p.m. **SPECIAL AGENT ALBERT GIANGREGORIO**, called on behalf of the Government, is sworn and testifies on direct examination by Ms. Roohani. Mr. Sanft conducts cross examination. Ms. Roohani conducts redirect examination. Mr. Sanft conducts recross examination. Ms. Roohani conducts further direct examination. **EXHIBIT 29 is ADMITTED into evidence.** The witness is excused.

3:26 p.m. **THOMAS RADKE**, called on behalf of the Government, is sworn and testifies on direct examination by Ms. Cartier-Giroux. **THOMAS RADKE** is designated as an expert in the field of computer forensics examination. Mr. Marchese conducts cross examination. Ms. Cartier-Giroux conducts redirect examination. The Court asks the witness questions. Ms. Cartier-Giroux conducts further redirect examination. **EXHIBITS 10A, 10B, 10C, 11, 12, 13, 14, 15, 16, 17, 18, 19, 31A, 31B, 31C, 31D, 42A, 42B, 42C, 42D, 42E, 42F, 43 are ADMITTED into evidence. EXHIBITS 34 and 45 are marked but not admitted into evidence.** The witness is excused.

4:56 p.m. Court adjourns.

Bench Trial is continued to Tuesday, November 15, 2016 at 9:00 a.m. in Courtroom 7D before Chief Judge Gloria M. Navarro.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /S/
Aaron Blazeovich, Deputy Clerk